

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementing Section 13(d) of the Pallone-	)	EB Docket No. 20-22
Thune Telephone Robocall Abuse Criminal	)	
Enforcement Deterrence Act (TRACED	)	
Act)	)	
	)	

**COMMENTS OF VERIZON<sup>1</sup>**

The Commission’s authority under the TRACED Act to establish an industry-led robocall traceback consortium<sup>2</sup> presents one of its best opportunities to partner with industry to bring meaningful benefits to consumers in the short term. The Commission should move quickly to establish USTelecom’s Industry Traceback Group (“ITG”) as the “Registered Consortium” for conducting robocall tracebacks under the TRACED Act.<sup>3</sup> And it should establish policy and enforcement priorities that fully leverage the ITG’s capabilities.

The ITG meets the statutory requirements in the TRACED Act and has been acting as the de facto traceback consortium; in that role, it has proven effective in tracing and identifying the source of illegal robocalls. The ITG has already conducted hundreds of tracebacks this year and recently worked with the Commission and Federal Trade Commission to identify providers

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<sup>1</sup> The Verizon companies participating in this filing (“Verizon”) are the regulated, wholly-owned subsidiaries of Verizon Communications Inc.

<sup>2</sup> *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (“TRACED Act”)*, Further Notice of Proposed Rulemaking, EB Docket No. 20-22 (Mar. 27, 2020) (“FNPRM”).

<sup>3</sup> Letter from Patrick Halley, USTelecom, to Marlene H. Dortch, Secretary, Federal Communications Commission, EB Docket No. 20-22, (filed May 21, 2020).

targeting consumers with COVID-19 scams.<sup>4</sup> The ITG is already essential to combatting illegal robocall and protecting consumers, and its capabilities can be further enhanced and leveraged.

**I. TRACEBACK IS A TOP PRIORITY FOR VERIZON AND SHOULD BE FOR ALL SERVICE PROVIDERS.**

As a founding member of the ITG, Verizon has implemented procedures that help push traceback obligations throughout the call path and across the ecosystem. For example, we require wholesale customers for whom Verizon provides termination services to sign contract amendments agreeing to participate in good faith in tracebacks. That, along with Commission leadership encouraging service providers to process tracebacks, increased the ITG's ability to trace illegal calls all the way back to the providers that originate the illegal traffic.

Verizon also supports the ITG's ability to efficiently find the source of illegal mass calling campaigns that are traceback candidates with its extensive "honeypot" program, which identifies illegal calls with a high degree of precision and certainty.<sup>5</sup> As part of its commitment as a member of the ITG, Verizon promptly investigates suspicious traffic to determine where it is coming from and reports the source of that traffic to the ITG. And we are working with a vendor on traceback automation opportunities that – assuming the privacy and security challenges can be successfully addressed – would deliver information about upstream carriers to a trusted traceback administrator without the need for manual intervention.<sup>6</sup>

While dozens of service providers participate in traceback efforts, few have committed to embrace opportunities to enhance existing traceback processes or to complement their traceback commitment with meaningful additional anti-robocall activities. Indeed, for many service

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<sup>4</sup> Letter from Rosemary C. Harold, Federal Communications Commission, and Lois C. Greisman, Federal Trade Commission, to Jonathan Spalter, USTelecom (May 20, 2020).

<sup>5</sup> See *Call Authentication Trust Anchor*, Reply Comments of Verizon, WC Docket Nos. 17-97, 20-67, at 16 n.39 (filed May 29, 2020) ("*Verizon Reply Comments*").

<sup>6</sup> *Id.* at 14-15.

providers, participating in the ITG appears to be their only commitment to stopping robocalls. Of the more than 30 service providers that have become ITG members, only a fraction of them have signed on to the state attorneys general’s Anti-Robocall Principles<sup>7</sup> – which represent a minimum “baseline” set of commitments to protecting consumers from robocalls that all service providers should incorporate into their business practices. If industry at large does not voluntarily commit to these commonsense principles, the Commission should take action to ensure that they are widely adopted.

## **II. THE COMMISSION SHOULD FULLY LEVERAGE THE CONSORTIUM’S CAPABILITIES.**

### **A. The Traceback Consortium Is an Invaluable Tool For Implementing an Effective Robocall Mitigation Framework.**

The Commission should marry the results of tracebacks with effective policy tools to ensure that service providers do not look the other way when originating traffic they know or should know is illegal. US Telecom’s proposal that the Commission should require all providers to implement robocall mitigation practices would help. And the Commission should issue rules providing for heightened obligations once a provider has been identified by the ITG as originating illegal robocalls.

In addition to requiring a robocall mitigation program, the Commission should require all voice service providers, if they handle calls from U.S. “calling party” numbers to U.S. “called party” numbers, to register with the Commission and certify their compliance with these non-prescriptive robocall mitigation principles.<sup>8</sup> The mechanics of registration and certification need

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<sup>7</sup> See USTelecom website, *Anti-Robocall Principles for Voice Service Providers* (available at <https://www.ustelecom.org/wp-content/uploads/2019/08/State-AGs-Providers-AntiRobocall-Principles-With-Signatories.pdf>) (visited July 9, 2020).

<sup>8</sup> The Commission established a similar registry for intermediate providers and required intermediate providers to register with the Commission following the passage of the Improving Rural Call Quality and Reliability Act of 2017, Pub. L. No. 115-129, 132 Stat 329 (2018) (“RCC

not be complicated or burdensome: the Commission should simply require every voice service provider handling calls between U.S. telephone numbers to (i) register (providing the type of information typically provided in Form 499 filings or the RCC Act intermediate provider registry) and (ii) certify that all of its traffic is either compliant with the STIR/SHAKEN mandate or subject to a robocall mitigation program.<sup>9</sup> This registry can be used not only to monitor compliance with the STIR/SHAKEN and robocall program mandates, but also to take corrective actions against service providers whose robocall mitigation programs or STIR/SHAKEN practices are found to be deficient. These measures will enhance the ITG's efforts to coordinate with voice service providers at all levels within the call path to identify the source of and eliminate illegal robocall traffic.

Finally, the *FNPRM* seeks comment on how the ITG should identify voice service providers that are originating unlawful robocall campaigns and how the ITG should determine whether a campaign is “large-scale.” The proposals advanced by USTelecom would help pursue these goals.<sup>10</sup> The Commission should adopt a flexible, common sense approach to determine whether a campaign is “large-scale” instead of establishing a single number of calls that must be dialed before a campaign is considered as “large-scale.”<sup>11</sup> The Commission should also interpret “unlawful robocall” in section 4(b)(5)(C) as broader than the definition of “suspected unlawful robocall” in section 13(f) of the TRACED Act.<sup>12</sup>

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Act”). See *Rural Call Completion*, Third Report and Order, FCC 18-120, at para. 2 (2018) (“*Third RCC Order*”).

<sup>9</sup> See Letter from Farhan Chughtai, USTelecom, to Marlene H. Dortch, Secretary, Federal Communications Commission, CG Docket No. 17-59, WC Docket No. 17-97, Appendix (filed Mar. 23, 2020) (“*USTelecom Proposal*”).

<sup>10</sup> See *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, Comments of USTelecom – The Broadband Association, EB Docket 20-22, at 4-5 (filed July 10, 2020).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 5-7.

**B. Congress Correctly Contemplated that the Traceback Consortium Is the Right Vehicle for Robocall Enforcement and for Identifying Problematic Upstream Carriers.**

The TRACED Act makes clear that the consortium is the right vehicle both to trace back suspected illegal robocalls<sup>13</sup> and to identify service providers that are consistently originating large volumes of them.<sup>14</sup> Congress also was unambiguous that the STIR/SHAKEN mandate requires originating and terminating carriers to authenticate traffic to address the spoofing problem and restore trust in Caller ID, not to add asymmetrical regulatory burdens to intermediate service providers with STIR/SHAKEN mandates untethered to that crucial policy goal.<sup>15</sup> The Commission should reject requests to ignore those sound policy determinations by imposing a “C” attestation mandate on intermediate carriers; doing so would harm consumers, set back the Commission’s call authentication project, and do nothing to enhance traceback efforts.

The traceback tools of the ITG, along with robust robocall mitigation and registration requirements, will successfully advance the fight against illegal robocalls. The Commission should refrain from any actions that would undercut these measures. To that end, the Commission should discourage (and certainly should not mandate) widespread use of “C” attestations in the STIR/SHAKEN authentication regime on billions of calls, which will result in a flood of useless attestations. A “C” attestation means that the service provider received an unsigned call that originated elsewhere. Placing a “C” attestation on a call essentially allows a

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<sup>13</sup> TRACED Act § 13(d)(1).

<sup>14</sup> *Id.* § 13(d)(2).

<sup>15</sup> See *Call Authentication Trust Anchor*, Comments of Verizon, WC Docket Nos. 17-97, 20-67, at 10-11 (filed May 15, 2020) (“*Verizon Comments*”). Congress made clear that STIR/SHAKEN is a “call authentication” framework, see TRACED Act § 4, directing the Commission to ensure that voice calls receive “the highest level of trust.” See TRACED Act § 4(b)(5)(D). And the best practices that the Commission is required to issue by the end of 2020 are specifically to “ensure” that “the calling party is accurately identified.” *Id.* § 4(b)(7).

service provider to disclaim any responsibility for the call, a result the Commission should not encourage.

Adding “C” attestations to all unsigned calls a service provider receives would pollute the ecosystem with billions of useless attestations that would degrade the usefulness of all attestations (including those “C” attestations that are used judiciously); confuse and harm consumers (who cannot tell the difference between a validation of a C attestation and an A attestation); and add substantial complexity and costs (including the opportunity costs of scarce bandwidth that would be consumed) to service providers’ STIR/SHAKEN deployments.<sup>16</sup> And proposals to mandate a “C” attestation requirement for intermediate service providers would set back the ITG’s traceback because they would impose major costs and distractions on a subset of intermediate providers, instead of ensuring that all service providers throughout the call path take on the responsibility – with automation and other innovations – for tracing illegal calls all the way to their *origination points*.

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Verizon is committed to protecting consumers from illegal and unwanted robocalls, and supports the ITG’s role in finding voice service providers that are the source of the problem. Tracebacks are integral to enforcement efforts and, as the Commission has previously recognized, private-led traceback efforts play an important role in eliminating illegal robocalls. The ITG is well positioned to fulfill the criteria to be selected as the Registered Consortium. The Commission should select the ITG to fulfill this role and continue to establish rules that complement the industry’s traceback efforts.

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<sup>16</sup> *Verizon Comments* at 12; see also *Protecting Consumers from One-Ring Scams*, Reply Comments of Verizon, CG Docket 20-93, at 3-4 (filed July 6, 2020).

Respectfully submitted,

/s/ Gregory M. Romano

William H. Johnson  
*Of Counsel*

Gregory M. Romano  
Christopher D. Oatway  
Michele G. Cober  
1300 I Street, N.W.  
Suite 500 West  
Washington, DC 20005  
(202) 515-2400

*Attorneys for Verizon  
and Verizon Wireless*

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